

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

R. MICHAEL HANNON, M.D.,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0111142MED

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The parties to this action for the purposes of § 227.53, Stats., are:

R. Michael Hannon, M.D.  
1017 11<sup>th</sup> Street W.  
Columbia Falls, MT 59912

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. R. Michael Hannon, M.D., Respondent, date of birth October 3, 1950, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 36280, which was first granted January 27, 1995.
2. Respondent's last address reported to the Department of Regulation and Licensing is 1017 11<sup>th</sup> Street W., Columbia Falls, MT 59912.
3. Respondent has neither resided nor practiced within the State of Wisconsin after 1995.
4. Respondent's practice specialty is family practice.
5. On August 29, 2000, the Alaska State Medical Board (Alaska Board) and Respondent entered into an Agreement to Voluntary Surrender of Medical License by which the Alaska Board took disciplinary action against Respondent. In the Alaska action, Respondent:
  - a. Agreed to surrender his license with the understanding that the Alaska Division of Occupational Licensing was conducting an active investigation on behalf of the Alaska Board concerning his unlicensed practice and alleged sexual misconduct with a patient (Ms. A).

b. Acknowledged that he held a valid locum tenens permit to practice medicine in Alaska from December 9, 1997 to June 11, 1998 and that, although he submitted an application for a permanent license on or about June 2, 1998, he was not granted a license until November 23, 1998 because his application was not complete.

c. Admitted to practicing medicine in Alaska from June 11, 1998 to the time he left Alaska near the end of October 1998, during which time he did not hold a valid Alaska Medical License.

d. Admitted the allegation that he engaged in sexual intercourse with Ms. A, an adult female with approximately a ten-year history of mental illness.

e. Contended that Ms. A was not a patient at the time of the sexual contact.

f. Agreed that before his license to practice medicine in Alaska can be reinstated, he will have to prove to the Board that he is competent to practice and that he can do so with skill and safety, and that information developed during the course of the investigation can be used by the Board in making such a determination.

6. Respondent contends, in mitigation:

- o When he submitted his application to the Alaska Board for permanent licensure on June 2, 1998, he did not receive any response indicating that there was anything more he needed to do to obtain that license.
- o He attempted to call the Alaska Board's office and left messages but received no call back.
- o Because his checks for the licensing fees were cashed, he assumed that the license had been granted and he continued to practice after his locum tenens permit expired on June 11, 1998.

7. Records of the Alaska Board show:

- o In July 1998, Respondent was sent a notice advising him that his application was incomplete, enclosing forms for him to complete, explaining what else he needed to do and informing him that a temporary permit was available if needed.
- o Respondent executed those forms on July 22, 1998.
- o On October 26, 1998, Respondent was sent a notice advising him that his application was still incomplete because they were awaiting a response from his medical school and the first that his application would be considered was November 19 or 20, 1998.
- o Although Respondent knew from at least July 22, 1998 that he was not licensed, Respondent continued to practice without a valid license until he was granted a license on November 23, 1998.

8. Respondent contends, in mitigation:

- o That Ms. A had moved from the area and had only returned to pick up some of her belongings when he saw her professionally for the last time the day of August 31, 1998.
- o He believed that he would not see Ms. A professionally again and that she was no longer his patient when he had sex with her at her invitation the evening of August 31, 1998.
- o Although he knew that it was bad judgment to have sex with a former patient, he did not believe that it was a violation of any statute to do so.

9. Ms. A's treatment records and other records of the Alaska Board show:

a. From December 9, 1997 until November 8, 1998, Respondent was employed as a physician under contract at SeaView Family Medical Center (SFMC) in Craig, Prince of Wales Island, Alaska, an island with a population of approximately 5,000 people.

b. On April 27, 1998, Respondent first treated Ms. A when she was referred to SFMC because she was suffering from hallucinations. Ms. A had a long history of bipolar disease for which she had been receiving treatment for approximately ten years. Ms. A had been off her medication for approximately three months.

c. The entry Respondent made in Ms. A's chart for the April 27 visit describes his assessment, impression and treatment of Ms. A's psychiatric condition. It concludes:

"Impression: Bipolar disease. She is in need of establishing control. She was started back up on her Lithium; started her on some Trazodone 100mg at h.s. to help her get some sleep. Started her on Dalmane (sic.) 5mg b.i.d. to help both with sedation and to help control the hallucinations at least in the short run. Hopefully, she can be controlled only on the Lithium. Ultimately, she is going to need to establish a relationship with the psychiatrist over in Ketchikan; she was sent here by COHO, in fact, is asked to go to COHO on her way home. She can

get some follow-up here in the short run and actually, this Thursday would be a good time to follow-up for her, because we will be over in Thorne Bay."

d. Ms. A saw Respondent at SFMC for a follow-up visit regarding her psychiatric condition on April 30, 1998 and Respondent also ordered Lithium level blood draws on May 7, 1998 and July 9, 1998.

e. Ms. A saw Respondent for follow up care on August 31, 1998. Ms. A told Respondent that she had moved away from the area and invited Respondent to go out to dinner with her that evening. Respondent invited Ms. A to his residence to share a fresh salmon he had recently caught and she agreed to do so.

f. That evening, Respondent and Ms. A had dinner together at Respondent's residence as planned. Following dinner, at Ms. A's invitation, Respondent and Ms. A engaged in sexual intercourse.

g. On September 3, 1998, Respondent called Ms. A to provide her with her latest Lithium level results. On that date, Respondent noted the following in Ms. A's chart:

"Her Lithium level came back and it is excellent, so I do not feel inclined to adjust her Lithium dose. She has been having a little bit more anxiety, off and on, so the plan will be to just treat that with the Tranxene for when she gets into spells that last any period of time. Use Ativan to top it off as necessary for the peak activities. Also, taking her Trazodone at bedtime. Hopefully, this will be a regimen that she will be able to stay with for some time."

h. Respondent made no notation in Ms. A's chart at any time that the physician/patient relationship had terminated.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to § 448.02(3), Stats.
2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to §§ 227.44(5) and 448.02(5), Stats.
3. Respondent, by having had disciplinary action taken against his Alaska Medical License by the Alaska State Medical Board, has committed unprofessional conduct as defined by § Med 10.02(2)(q), Wis. Adm. Code, and is subject to discipline pursuant to § 448.02(3), Stats.

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the SURRENDER by R. Michael Hannon, M.D., of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, effective immediately.
2. That Respondent shall not petition the Medical Examining Board for relicensure for at least two (2) years from the date of this order. After the two year period, Respondent may or may not be granted relicensure, but may petition for relicensure, under the following terms and conditions:
  - a. Respondent shall notify the Division of Enforcement (Division) of the request and the Division shall have the opportunity to apprise the Board of all allegations and information contained in the investigative files.
  - b. If the Board believes that it will be of assistance to the Board in responding to Respondent's petition:
    - i. Respondent shall, at his own expense, have undergone an assessment by a mental health care practitioner with experience in assessing health care providers, who have become involved sexually with patients.
    - ii. The practitioner performing the assessment must have been approved by the Board or its designee, with an opportunity for the Division of Enforcement to make its recommendation, prior to the assessment being performed.
    - iii. Respondent shall provide the Board with the practitioner's written report and provide the Board and the Division with the opportunity to discuss the evaluation and findings with the practitioner.
  - c. Following the presentation of information by the Division and review of any assessment requested by the Board, the Board may, in its sole discretion, elect to license Respondent, with or without limitations, or to deny Respondent's petition.

d. The Board in deciding whether to grant the petition shall consider and weigh the three objectives of professional discipline:

- Protection of the public.
- Deterrence of the licensee and other licensees.
- Rehabilitation of the licensee.

e. If Respondent believes that any denial of licensure or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The denial of licensure or limitations on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 14th day of November, 2001.

Sidney E. Johnson, M.D.

Secretary

Medical Examining Board